

## Message Text

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ACTION L-01

INFO OCT-01 SS-14 ISO-00 NSC-05 NSCE-00 SSO-00 SP-02 INR-05

INRE-00 ARA-06 SCA-01 /035 W

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O 221636Z SEP 76

FM AMEMBASSY SAN JOSE

TO SECSTATE WASHDC IMMEDIATE 5134

C O N F I D E N T I A L SAN JOSE 4562

LIMDIS

E.O. 11652: GDS

TAGS: PFOR, PGOV, CS

SUBJECT: VESCO EXTRADITION: OUR LAWYER DOUBTS OUR SINCERITY

REF: SAN JOSE 4437

1. EMBOFF TALKED SEPTEMBER 21 WITH EDUARDO ORTIZ ABOUT HIS WORK ON LIST OF QUESTIONS PREPARED FOR HIS STUDY BY US ATTORNEY'S OFFICE AND DEPARTMENT OF JUSTICE IN WASHINGTON (STATE 180090). ORTIZ CALLED US. HE WAS DISTURBED, CONCERNED, AND ANGRY, ABOUT INABILITY OF WASHINGTON TO AUTHORIZE FUNDS FOR TRANSLATION OF INDICTMENT TO PERMIT HIM TO COMPLETE HIS STUDY.

2. ORTIZ EXPLAINED THAT HE HAS DONE AS MUCH AS HE CAN ON THE STUDY, AND THAT THE MATTER OF THE TRANSLATION MAY NOW BE A MOOT POINT; HE HAS JUST ABOUT COMPLETED HIS WORK. HIS CRIMINAL LAW COLLEAGUE OF COURSE HAS NOT EXAMINED THE INDICTMENT FULLY IN SPANISH; ORTIZ' TRANSLATION OF KEY PARTS HAVE HAD TO SUFFICE. A SLOPPY WAY TO BE OBLIGED TO WORK FOR A CLIENT WHO CLAIMS TO BE SERIOUS, ORTIZ NOTED.

3. ORTIZ STATED THAT AFTER REFLECTION HE HAS CONCLUDED THAT WASHINGTON'S FAILURE TO AUTHORIZE EXPENDITURE OF FUNDS FOR TRANSLATION OF THE INDICTMENT AGAINST VESCO FOR USE BY USG CONTRACTED COUNSEL HERE IS RATHER POINTED INDICATION THAT THE USG IS NOT SERIOUS ABOUT THE VESCO EXTRADITION. ORTIZ SAID HE  
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DETECTS A USG CHANGE OF MIND SINCE HE AGREED TO TAKE THE CASE,

AND THAT HIS OWN ATTITUDE HAS CHANGED FROM ONE OF INITIAL ENCOURAGEMENT TO DISAPPOINTMENT. HE STATED THAT HE FEELS HE IS BEING DECEIVED, AND THAT THE USG FOR SOME UNKNOWN REASON "IS PLAYING WITH HIM". ALTHOUGH CONCERNED ABOUT WHETHER OR NOT HE IS EVER GOING TO BE PAID, ORTIZ SAID, HE IS MUCH MORE BOTHERED ABOUT THIS SEEMING LACK OF USG FAITH AND SERIOUSNESS IN AN IMPORTANT AND COMPLEX MATTER ABOUT WHICH HE HAS STRONG FEELINGS BOTH PROFESSIONALLY AND AS A CONCERNED COSTA RICAN. IN SHORT, HE FEELS HE IS PREPARING WORK FOR WHICH THERE IS NO REAL USG INTEREST. WORSE, THOUGH, HE SUSPECTS THAT THERE MAY BE SOME COMPETING, CONTRARY INTEREST; WITHOUT MENTIONING IT SPECIFICALLY, THE HINT WAS STRONG THAT HE THINKS IT IS A POLITICAL ONE. HE ASKED TO BE INFORMED OFFICIALLY ABOUT USG INTENTIONS AT THIS POINT, AND ASKED FOR AN APPOINTMENT WITH AMBASSADOR TODMAN SOONEST.

4. EMBOFF AGAIN ATTRIBUTED LACK OF WASHINGTON AUTHORIZATION TO EXPENDS FUNDS FOR TRANSLATION TO INCREDIBLE BUREAUCRATIC SITUATION IN WASHINGTON. HE RESTATED THAT USG DECISION ON WHAT TO DO ABOUT VESCO WOULD BE DETERMINED IN LARGE PART BY RESULTS OF ORTIZ' STUDY AND CONSULTATIONS ORTIZ WOULD SUBSEQUENTLY HAVE WITH USG ATTORNEYS IN WASHINGTON AND/OR SAN JOSE. EMBOFF REITERATED THAT ORTIZ' ORIGINAL WORKING UNDERSTANDING WITH USG HAD NOT CHANGED, AND THAT USG NEEDED AND WAS DEPENDING ON HIS COUNSEL. ORTIZ REACTION TO ALL OF THIS WAS HEALTHY SKEPTICISM.

5. ACTION REQUESTED: ORTIZ SCHEDULED TO MEET WITH AMBASSADOR AFTERNOON SEPTEMBER 23. DEPARTMENT RESPONSE TO SAN JOSE 4437 OF SEPTEMBER 10 IN WHICH THIS TYPE OF REACTION BY ORTIZ WAS FORESEEN AND PROBLEMS SPELLED OUT IS REQUESTED PRIOR TO THAT MEETING. ANY OTHER DEPARTMENT OF STATE OR JUSTICE SUGGESTION AS TO HOW EMBASSY CAN CONVINCE OUR LAWYER THAT USG IS AT LEAST SERIOUS ABOUT VESCO CASE IS WELCOME. SPECIFICALLY, EMBASSY SUGGESTS, ONCE AGAIN, AUTHORIZATION OF FUNDS FOR TRANSLATION OF INDICTMENT.  
TODMAN

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